

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN L. CRUISE, JR., BRIAN CONRAD,
KENNETH J. DIBBLE, MATTHEW A. EIRICH,
MICHAEL KOLOGY, PETER J. KROL,
EDGAR VELLOTTI,

Plaintiffs,

- against -

MICHAEL J. DOYLE, as General Chairman, LOCAL
DIVISION 9, LOCOMOTIVE ENGINEERS,
ASSOCIATION OF COMMUTER RAIL EMPLOYEES,
LOCAL DIVISION 9, LOCOMOTIVE ENGINEER
ASSOCIATION OF COMMUTER RAIL EMPLOYEES,
and MTA METRO-NORTH RAILROAD,

Defendants.

**DECLARATION OF
MARION M. LIM IN
SUPPORT OF DEFENDANT
ACRE'S MOTION FOR
JUDGMENT ON THE
PLEADINGS**

07-CV-3940
(Pauley, J)
(Pitman, MJ)

I, Marion M. Lim, an attorney admitted to practice in this Court and the Courts of New York State, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney of record for the Defendants Michael F. Doyle, sued herein as Michael J. Doyle, as General Chairman, Local Division 9, Locomotive Engineers, Association of Commuter Rail Employees, and Local Division 9, Locomotive Engineer Association of Commuter Rail Employees (collectively “ACRE”) in this action and an associate with the law firm of Holm & O’Hara LLP.

2. I am personally familiar with all of the facts and circumstances underlying this action.

3. This declaration is made on personal knowledge in support of Defendant

ACRE'S Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) in this action for the purpose of placing before the Court true copies of documents referenced in ACRE'S motion pursuant to FED. R. CIV. P. 12(c) submitted herewith.

4. Attached hereto as "Exhibit I" is a true copy of the Order granting Defendant's Joint Motion to Dismiss signed by Judge Pauley on January 9, 2008.

5. Attached hereto as "Exhibit J" is a true copy of a letter dated March 7, 2008 from ACRE'S counsel, Marion M. Lim, Esq. to Plaintiffs' counsel, Ira S. Cure, Esq.

6. Louie Nikolaidis, Esq. substituted as counsel for Plaintiffs in this action and the March 7, 2008 letter addressed to Ira. S. Cure, Esq. was forwarded by ACRE'S counsel to Mr. Nikolaidis on March 12, 2008.

7. ACRE'S counsel received no response from Plaintiffs counsel regarding the March 7, 2008 letter.

8. Based upon this Declaration and Defendant ACRE'S Motion for Judgment on the Pleadings, Defendants Michael F. Doyle, sued herein as Michael J. Doyle, as General Chairman, Local Division 9, Locomotive Engineers, Association of Commuter Rail Employees, and Local Division 9, Locomotive Engineer Association of Commuter Rail Employees respectfully request that judgment be rendered in favor of ACRE and the Amended Complaint be dismissed; and the costs and legal fees for moving to dismiss the previously dismissed First Cause of Action be assessed against Plaintiffs.

Dated: New York, New York
July 11, 2008

Respectfully submitted,

HOLM & O'HARA LLP
Attorneys for Defendants
Michael F. Doyle, sued herein as Michael J.
Doyle, as General Chairman, Local
Division 9, Locomotive Engineers, and
Association of Commuter Rail Employees

By: /s/ Marion M. Lim

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